

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ERIC PAUL MINDA,

Petitioner,

v.

// CIVIL ACTION NO. 1:15CV123
(Judge Keeley)

DAVID BALLARD, Warden,

Respondent.

ORDER REMANDING CASE TO THE MAGISTRATE JUDGE

On July 27, 2015, the pro se petitioner, Eric Paul Minda ("Minda"), filed a petition for writ of habeas corpus by a person in state custody pursuant to 28 U.S.C. § 2254 (Dkt. No. 1). On March 4, 2016, the Honorable James E. Seibert, United States Magistrate Judge, issued his Report and Recommendation ("R&R") (Dkt. No. 38). After careful review of the R&R, the Court **FINDS** that the evidence of record is insufficient for it to determine which of Minda's claims have been exhausted, and **REMANDS** this case to Magistrate Judge Seibert for an evidentiary hearing.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record and the pro se petitioner, certified mail, return receipt requested.

DATED: April 21, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE